



OIL SPILL PREVENTION AND RESPONSE TECHNICAL ADVISORY COMMITTEE (TAC) Meeting Minutes



Ca. Department of Fish and Game
Office of Spill Prevention and Response
1700 K. Street, Ste 250
Sacramento, CA 95814

January 20, 2009

9:30 a.m. - 3:30 p.m.

Attendance:

Members	Agency Representatives	DFG/OSPR Participants		Guests	Constituents
Stephen Ricks	Linda Scourtis	Tena Rakela	Stephen Edinger		
Michael Ziccardi	Gary Gregory	Ryan Todd	Forrest Gardens		
Matt Rezvani	Ellen Faurot-Daniels	Marion Boyd			
R. Mitchel Beauchamp	Scott Schaefer	Joy Lavin-Jones			
Joan Lundstrom					
John Berge					
Carol Baker					
Tom Ford					

I. INTRODUCTIONS

STEPHEN L. EDINGER (Administrator)

- ❖ Administrator Edinger announced and sworn-in two new TAC members: Mrs. Carol Baker (Environmental Representative) and Mr. Tom Ford (Public Representative). Each accepted the Oath and introduced themselves.
- ❖ Ms. Carol Baker's has prior experience supporting House Speaker Bass as an environmental protection and natural resources advisor.
- ❖ Tom Ford is the executive director for the Santa Monica Bay Keeper; he sits on the LA/Long Beach Harbor Safety Committee in an environmental representative capacity.
- ❖ Deputy Administrator Mr. Bud Leland officially retired from OSPR on December 12, 2008.

II. APPROVAL OF MINUTES

STEPHEN RICKS (CHAIRPERSON) TAC

- ❖ Corrections were made to pages 1, 3 and 4 on the prior meeting minutes. Steve Ricks motioned to approve with changes. Mitch Beauchamp seconded.
- ❖ Meeting minutes were unanimously approved with changes.

III. OSPR UPDATE

STEPHEN EDINGER

Power Point Presentation – Platform “A”

Background

- ❖ There was a spill from Platform “A”, off the coast of Santa Barbara in December 08. OSPR responded in conjunction with the U.S. Coast Guard.
- ❖ The attorney general recently announced civil filings for the Cosco Busan oil spill. There were 11 causes of action. Seven violations were directly related to either the Lempert-Keen-Seastrand Act or the Fish and Game code for compensatory damages. The State Lands Commission and the People of California are the plaintiffs.
- ❖ OSPR has done a number of fund audits. 2001 was the last time such an audit was performed; OSPR has requested the Department of Finance (DOF) to revisit our records. DOF has the authority to perform a financial audit. OSPR has had one meeting to date. A scoping meeting with DOF should occur within the next couple of weeks. Information is being gathered at this stage. This audit should look over OSPR's fees and fines and expenditures. The results of the audit are expected to be produced by the end of June 2009. OSPAF will be the primary focus of this audit.
- ❖ Two important anniversaries:
 - ♦ Platform “A” the Santa Barbara blowout, which occurred on January 28, 1969; this would be its 40 year anniversary.
 - ♦ The Exxon Valdez tanker oil spill happened March 24, 1989.
- ❖ Platform “A”
(PowerPoint Presentation)
 - ♦ Unocal owned Platform “A” in 1969. It is above 188 feet of water.
 - ♦ DCOR was drilling their 5th well when they had a blowout. DCOR went to the U.S. Geological Survey (USGS) and requested a waiver to encase the well; the request was approved.
 - ♦ At 10:45 a.m. they stopped drilling on January 28, 2009 when the blowout occurred. Nearly 3 million gallons of oil escaped into Santa Barbara waters.

Current

- ♦ Aftermath, President Nixon signed the National Environmental Policy Act of 1969, California Environmental Quality Act (CEQA) become law.
- ♦ The California State Lands Commission banned offshore drilling for 16 years.
- ♦ The California Coastal Commission was established by voter initiative in 1972.
- ♦ At 8:00 a.m. January 29, 2009 DCOR notified the reporting center that they had less than a barrel of oil in the water. They did not report back to OSPR. They updated the amount of oil spilled into the ocean to 27 barrels.
- ♦ At 7:00 p.m. January 29, 2009 they recovered nearly 20 barrels of oil.
- ♦ Santa Anna winds were blowing off the coast of California. The wind prevented the fumes from reaching land. The air currents flow from the mainland to the ocean.
- ♦ OSPR used Ocean Imaging for the first time. This new technology uses a multi-spectral camera that looks at different wave lengths. It also uses thermal imaging. With both of these images, Ocean Imaging is able to determine the thickness and freshness of the oil. This information helps OSPR determine quantification and flow direction. Directing resources based on real-time information has demonstrated an accelerated benefit to OSPR's cleanup response.
- ♦ The spill had low wildlife impact. 18 dead birds were found along the beach; one bird was visibly oiled.
- ♦ The Platform location may or may not be within California state waters. California waters are defined as 3 miles from the California islands out. Waters which lie between the mainland and the islands are considered inland waters.
- ♦ DFG/OSPR has extended its jurisdiction past the three mile boundary, in some court cases.
- ♦ The platform did not have an oil spill contingency plan.
- ♦ No injuries were reported by employees of Platform "A".

IV. PUBLIC COMMENTS

- ❖ No comments from the public.

V. AGENCY REPORTS

❖ **California Coastal Commission**

ELLEN FAUROT-DANIELS

Report Provided

- ♦ The California Coastal Commission (CCC) also shares OSPR's concern when oil enters marine waters. CCC reviews oil contingency plans as well as OSPR.
- ♦ Ellen Faurot-Daniels will be leaving CCC and joining OSPR. She will focus on response technology.
- ♦ CCC co-chaired the subcommittee on volunteers and was very active during the first six months of the report.
- ♦ In January 2009 CCC transferred much of the subcommittee's information to Cindy Murphy with OSPR.
- ♦ Staff has addressed the EIR and the staff report for the slant-drilling platform named Irene.
- ♦ Robin Blanchfield will be the only person in CCC to commit time to the oil spill program. She may attend meetings that Ellen previously attended.
- ♦ CCC will no longer carry notification pagers or perform as a 24 hour agency.

❖ **State Lands Commission**

GARY GREGORY

Report Provided

- ♦ There is no new information in the Mineral Resources Management section of the written report.
- ♦ The total across-the-dock movement of oil is down significantly in California.
 - Total product discharge by tankers and barges is down by 12%.
 - The Oil Spill Prevention and Administration Fund (OSPAF) currently receives' 5 cents per barrel of oil; the decline in discharges will be reflected in OSPAFA revenues.
- ♦ SLC also runs the state ballast water program; vessel arrivals are way down.
- ♦ SLC is holding two customer service meetings this year.
 - Southern California - Port of Long Beach Administrative Building: January 22, 2009
 - Northern California - California Maritime Academy: February 11, 2009
- ♦ TAC chairman requested SLC to provide updates of MOTEMS progress.
- ♦ August 6, 2008 all terminals have completed their audits and have submitted them to SLC.
- ♦ All of the audits have been reviewed with the exception of one.
- ♦ SLC has met with all but two of the terminal operators.
- ♦ Each audit was addressed line by line (except for structural integrity).
- ♦ One terminal project has requested an exemption from the audit and offered no alternative.
- ♦ Other oil terminal facilities are watching the interaction between SLC and the private under-funded terminal, with curious interest.
- ♦ Enforcement and penalties are listed in Lempert-Keen-Seastrand Act for not updating terminals.
- ♦ Medium risk terminals should have the audits completed in August 2010.
- ♦ Some of the terminals (including those that are wooden) will not be able to comply with the new regulations.
- ♦ The average age of an oil terminal in Southern California is 50 years old.

- ♦ The oldest terminal in California over 100 years old.
- ♦ The newest terminal will be coming on line in February 2009.
- ♦ MOTEMS is in high-gear right now. Several engineering positions have been filled and everyone is working at maximum capacity.
- ♦ California's oil terminals have been compared to 3rd world standards by outside organizations such as INTERTANKO.
- ♦ Vessels have growing concerns that California's oil terminals are not safe or secure.
- ♦ The audit for just one terminal is estimated to cost several hundred thousand dollars.
- ♦ Mr. Gary Gregory will prepare a MOTEMS presentation for the next TAC meeting.

❖ **BCDC**

LINDA SCOURTIS

- ♦ The Harbor Safety Committee met recently on a navigation workgroup recommendation to close the S.F. Bar in severe weather conditions.
- ♦ BCDC will work closely with the bar pilots and the U.S. Coast Guard and the other ship operators of freighters.
- ♦ The next report will have summaries of the harbor safety plan.
- ♦ A ferry operations workgroup will develop guidelines for navigating in reduced visibility. Many of them will attend the HSC meeting in February.
- ♦ BCDC was alarmed to hear the number of distress calls sent to the U.S. Coast Guard that are hoaxes.
- ♦ Posters and other advertisements will soon be posted in marinas and boat launches explaining the consequences of reporting a false emergency. In addition, if an emergency should arise, the public will be asked to call the responders back if the situation fixes itself. This will allow the responders to stand-down.
- ♦ The tugboat escort workgroup has compiled recommendations for their operations in severe conditions.
- ♦ They will have emergency training for tug pilots.
- ♦ The U.S. Coast Guard has documented three vessels per year (on average) hit California bridges.

❖ **USCG**

- ♦ Personnel changes: (all the position changes will take place in the summer)
 - Rear Admiral Castillo will be relieved as the 11th district commander. He covers California, Arizona, Nevada and parts of Oregon. This is the fourth change in command in four years.
 - Admiral Zuchoft is being sent back to Head Quarters, they want him there.
 - Captain Roger Laferriere will be relieving the sector in Los Angeles/Long Beach; he is the best oil spill responder in the U.S. Coast Guard.
 - Captain Steve Metric, who is a marine safety officer, will be the new chief of staff.
 - Captain Gwen Johnson will be the new regional response scene coordinator.
- ♦ The U.S. Coast Guard has approached other agencies about using their radios to broadcast information to fisherman about fishery closures. Recent attempts to partner with other agencies have been unsuccessful.
- ♦ A draft MOU between the 11th sector U.S. Coast Guard and the State of California is being revisited regarding oil spill response. The MOU was originally drafted in 1997.
- ♦ The NTSB report on the Cosco Busan allision will be released on or about February 18, 2009. Rick Holly, OSPR employee will be going to the hearing and representing the State of California.
- ♦ Platform "A" spill. It was an interesting case for the U.S. Coast Guard; they are very happy with the response. There were some similarities with the platform "A" spill and the Cosco Busan spill.
- ♦ The quantity was incorrectly reported when the event was first discovered.
- ♦ The management agencies want to treat oil spills similar to search and rescue. It's better to go in strong and pull back. Sooner is better than later and more is better than less and longer is better than shorter.
- ♦ The U.S. Coast Guard would like to have seen a faster response by management.
- ♦ There were several types of aircraft in the area. ICS should have had an air-operations branch.
- ♦ U.S. Coast Guard was impressed with Clean Seas Company. They had a lot of boats and people out there; everyone did a great job cleaning up oil.
- ♦ The U.S. Coast Guard rotates staff often. By consequence, personnel that have experience with oil spill response can be redirected to other sectors.
- ♦ Quantification is commonly calculated by the responsible party's report. We need to do an independent quantification of spilled oil. Suggested professionals to fill this role could include: oil spill prevention specialists, mineral management service engineers, engineers from the State Lands Commission, or the Marine Inspectors from the U.S. Coast Guard.
- ♦ This will be the last report from Scott Schaefer in the U.S. Coast Guard capacity. He will separate from the U.S. Coast Guard and reinstate with OSPR as the Deputy Administrator. He will be replacing Mr. Bud Leland.
- ♦ The U.S. Coast Guard is currently realigning programs and staff to better prepare for oil spills.

❖ **NOAA**

JORDAN STOUT

- ♦ NOAA trajectory personnel have been working with high frequency radar communities, especially in California, to improve data collection with the goal of incorporating it into real-time databases.
- ♦ Federal/State funding has decreased; the revenue loss has impacted the maintenance of radars in California.
- ♦ NOAA and OSPR are working on a number of projects and training courses. One training class focuses on coastal cleanup efforts.
- ♦ Using the marine broadcast system, NOAA may be able to help with fishery closures regarding AB 2935.

❖ **OSPR**

MICHAEL SOBY

Handout provided – Preliminary Agenda

- ♦ Mr. Steve Ricks asked OSPR to update TAC on the technology workshop that is scheduled for February 17-19, 2009. This is a joint OSPR and Chevron workshop. This is the third one OSPR has done to date. These workshops are done every other year.
- ♦ The whole process is to present new or updated research on existing technologies presented to the response community. Seating is limited and the classes are free. Please reserve early.
- ♦ The first day is a dispersants class. Dr. Jim Clark from Exxon will be presenting. He is a leading authority in dispersants. This class should take approximately 6 hours.
- ♦ The second and third day is technology based. OSPR is primarily looking at booming equipment and wildlife hazing. The U.S. Coast Guard will share information on submerged oil.
- ♦ Personnel from U.C. San Francisco will have a presentation on high frequency radar. Remote sensing, thermal photography and ocean imaging will also be topics. Various countries are sending staff to participate in this workshop.
- ♦ The handout is a preliminary agenda. Updates are currently being made. The final should be released the first week of February 09.

VI. LEGISLATION/REGULATIONS UPDATE

RYAN TODD/JOY LAVIN-JONES

❖ January 1, 2009 several bills went into effect.

- ♦ AB 2935, Huffman. Oil spill prevention and response.
 - This bill requires DFG/OSPR to close a fishery if one barrel (42 gallons) of any petroleum product is spilled into any marine environment. Unless the Office of Environmental Health Hazard Assessment (OEHHA) says otherwise.
 - DFG/OSPR has not closed a fishery yet since the inception of the bill. The Director of Fish and Game has the authority to close a fishery based on information submitted from OSPR and OEHHA. There is a lot of staff work being done to implement this new legislation.
 - DFG's marine region is contributing to the protocol.
 - OSPR and OEHHA have 24 hours to make a determination. If a determination is not made within 24 hours, the fishery will automatically be closed.
 - OSPR is working with the author of the bill to revise the language. DFG/OSPR has never made public health determinations. OSPR is focused on wildlife habitats and natural resources.
 - The burden of closure rests with OSPR. Notices must be placed on piers, piling, and beach access points.
 - Fishery closure signs are currently being drafted.
 - DFG/OSPR and OEHHA are developing protocols and procedures to reopen a fishery once it is closed.
- ♦ AB 2911, Wolk, Oil Spill Prevention and Response: Inland Spills: Wildlife Contaminations.
 - This bill appoints the Administrator of OSPR as ICS commander for inland oil spills. It also gives OSPR administrative civil authority for inland oil spills.
 - OSPR can now impose penalties for polluters. Previously OSPR had this authority for marine waters; the authority has been expanded to all of California.
 - This bill also creates OSPR government code damage provisions applicable to inland oil spills which could include: lost use, economic injuries, natural resource damage injuries and similar items.
 - This bill also instructs OSPR to update its inland oil spill plan. The draft oil spill plan is scheduled to be circulated to OSPR managers in January 2009. In February 2009 the plan will be routed to agencies as a first step then to SIOSC and TAC as a more final document.
 - The Review Subcommittee has 60 days to review and return the plan.
 - OSPR anticipates having the report completely reviewed by all interested parties by September 2009.
 - The report is due to the Legislature January 1, 2010.

- Money from penalties will go into the 207 fund. Legislatures understand this is an unfunded mandate. New funding sources will be explored this fiscal year.
- This bill gives authority to the Oiled Wildlife Care Network (OWCN) to search and collect oiled wildlife. In addition, OWCN will receive additional interest from the oil spill trust fund.
- OSPR now has the ability to administratively enforce inland spills. This is important to OSPR as some counties won't handle our smaller, albeit legitimate, spills. This is an important but subtle change.
- The bill may reduce attorney fees because OSPR won't have to send these cases to the Attorney General's Office for processing.
- This bill makes any violation more of a fine/ticket rather than a full court hearing. There will be an administrative hearing in front of a judge but there will not be a jury.
- This bill also requires the Administrator to update the oil spill contingency plan.
- The American Trader spill was able to deposit some money into the 207 fund to get it jump-started. Fines and fees from AB 2911 will go into the 207 fund.
- The Administrator must distribute equipment to local responders.
- ♦ AB 2031, Hancock, Oil spill prevention and response
 - This bill would require the party, responsible for the discharge or threat of a discharge of oil in marine waters whose initial report to the Office of Emergency Services was inaccurate, incomplete, or changed as to the quantity of oil discharged, to report the updated information to the Office of Emergency Services, as prescribed.
 - OSPR is working on a manual to train local spill managers in response to this bill.
 - It will be similar to an Environmental Response to Oil Spill class. Local emergency responders understand ICS and how to handle emergencies. The EROS class will train them on how oil spills work.
 - This will cover oil spill recovery.
 - The intent of this bill to get local governments engaged.
 - Within San Francisco's Area Contingency Plan, there is language which allows the Federal On-Scene Coordinator to invite a local government representative to sit-in with Unified Command.
- ♦ AB 1960, Nava, Public resources: oil production facilities and oil spills
 - A person who fails to notify the Office of Emergency Services, upon conviction, is subject to a fine of not less than \$2,500 or more than \$250,000 for a first violation and a fine of not less than \$5,000 or more than \$500,000 for a 2nd or subsequent violation, or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.
- ❖ SB 1739 Smittian, Oil Spill Contingency Plan
 - This allows the Administrator to require owners and operators to have an independent drill monitor at drills (that take place outside the State of California) if OSPR or the U.S. Coast Guard are unable to attend.
- ❖ AB 38 Nava, State agencies: California Emergency Management Agency (Cal EMA):
 - This bill dissolved the Office of Home Land Security and the Office of Emergency Services. HLS and OES are now the California Emergency Management Agency. With a cabinet level secretary.
 - This change will not effect how OSPR reports to the former Office of Emergency Services.

VII. TACS ROLE IN LEGISLATION

STEPHEN RICKS

- ❖ TAC previously formed a subcommittee to identify legislative bills that impacted OSPR. Due to a lack of consensus, the draft letter to various Legislatures was rejected.
- ❖ Mr. Steve Ricks asked members and participants to develop a set of procedures TAC could follow, in preparation for next year's legislative bills.
- ❖ Timing for legislative bill review is difficult for TAC members due to the frequency of the quarterly meetings.
- ❖ The Regulations Unit within OSPR will email legislative bill summaries to TAC members for review upon their release from the Legislature.

VIII. REPORT ON IMPLEMENTATION OF AUDIT FINDINGS

- ❖ BSA completed its audit of OSPR on August 28, 2008. The six month audit response is due back to them on February 28, 2009. This completes two of three responses required by BSA. The next response is due on August 28, 2009.
- ❖ There was only one recommendation from BSA that OSPR contested. All other recommendations are either finished or in the progress of being completed.
- ❖ OSPR is updating the State Oil Spill Plan. Its last update was in 2001; the report should be updated every three years.

- ❖ BSA recommended that OSPR should better track and retain information regarding table-top exercises. OSPR is in the process of creating a Readiness Branch. The new branch will focus on drills, exercises, and training. Barbara Foster, a new supervisor, is in charge of this area.
- ❖ BSA identified some operational issues, specifically with command posts. The San Francisco/Los Angeles/San Diego Area Contingency Plans have been updated.
- ❖ Liaison Officers have received training recently. OSPR is setting up an internal database system that anyone who is acting as a liaison will have access to various contacts. As an example, OSPR IT personnel, have setup a contact distribution list that any liaison could have access to.
- ❖ An email account has been created (liaison@ospr.dfg.ca.gov) which was distributed to all local government OES's. Any emails to this address will be distributed to the liaisons regardless of who is in the position.
- ❖ Spill calculation protocols have been reanalyzed. The U.S. Coast guard has draft protocols; they are looking at the possibility of using it nationwide. Decisions are currently under deliberation. During recent OSPR drills, quantification of spilled oil was heavily emphasized.
- ❖ OSPR's goal to release key information to the public early in a spill is under review. The U.S. Coast Guard is using the PIER system. OSPR personnel are looking to duplicate that system.
- ❖ The Oiled Wildlife Care Network is receiving additional funding from the OSPAF trust fund, granted by AB 2911. New personnel have been hired at OWCN to specifically improve search and collection efforts. This includes outreach, volunteer coordination and wildlife transport.
- ❖ HAZWOPR training is also being offered to OWCN personnel; 100 people are expected to be trained which include non-OWCN staff. A contingency contract has been created with other organizations. The contract includes provisions which include workers compensation, reimbursement for time worked and equipment purchases.
- ❖ Training requirements for search and recovery efforts and convergent volunteers is under development. OSPR has contacted CalOSHA about training requirements for public volunteers in the event of an oil spill. For volunteers in hot-zones, 24 hour training is required. For other zones, a four hour class is required.
- ❖ In February 2009 OSPR will release guidelines to personnel on how to properly code time on time sheets for spills. This quarter DFG is conducting a time study on game wardens. The final report is expected to be released this year.
- ❖ TAC requested a copy of the response letter to BSA when it is finalized. All responses to BSA audit reports are available on the Web at www.bsa.ca.gov.

IX. FUND CONDITION AND BUDGET UPDATE
Report Provided

TENA RAKELA

- ❖ The Oil Spill Prevention Administration Fund is lower than anticipated due to a reduction in the quantity of petroleum products coming into California.
- ❖ OSPR may need to analyze the .05 cents per barrel cost in order to comply with State regulations requiring the Administrator to maintain a reserve fund balance in the OSPAF. Due to the shortage of fees and the introduction of alternative fuels, the OSPAF is expected to be depleted in 2012.
- ❖ BOE revenue has dropped significantly since last year.
- ❖ Certificate of Financial Responsibility (COFR) fees have been reduced as a result of fewer dry cargo ships calling on California harbors.
- ❖ Earnings from interest bearing accounts have decreased as a result of the lower federal interest rate.
- ❖ OSPR is down about 12 million dollars from last year. OSPR administrative personnel are using a 3 year average to project expenditures. In addition, current year expenditures are included in the projections.
- ❖ The report will be redesigned and re-released before the next TAC meeting.
- ❖ The beginning balance this year is higher than last year.
- ❖ OSPR has not been reimbursed for OSPR's Cosco Busan response to date.
- ❖ TAC would like an analysis of the 207 fund by the next TAC meeting.

X. 2009/2010 TAC Issues

- ❖ TAC would like to support OSPR with Budget Change Proposal (BCP) recommendations.
- ❖ Timeline development to promptly submit BCP suggestions to the Legislature.
- ❖ TAC should advise/recommend priority programs to the Governor's Office/Legislature.
- ❖ As a standing agenda item for January the TAC will discuss BCPs.
- ❖ A subcommittee was formed to address timelines on which TAC could address certain issues with its current schedule. As an example, TAC should start discussions about BCPs in October so firm and solid ideas are ready for committee votes in January.

XI. TAC BIENNIAL REPORT

- ❖ Motion to approve biennial report was approved as amended. Joan Lundstrom seconded. Unanimously approved by all members.
- ❖ 120 reports will be distributed to the Legislature.

- ❖ Last year OSPR distributed the biennial reports. This year the report will be handled by Gary Gregory, with the State Lands Commission.
- ❖ Edits were made to various pages within the report.
- ❖ John Berge will send Mr. Steve Ricks language for page 6 of the report.
- ❖ No issues with the executive summary.
- ❖ Steve Edinger and Gary Gregory will fact-check the report.

XII. OLD/NEW BUSINESS

- ❖ Biofuels are hydrocarbons. TAC should amend the Government Code to reflect fuels that have hydrocarbon chains but are not commonly thought of as oil.
- ❖ At this time, boards, commissions and conservancies are not being eliminated from State service.
- ❖ Future TAC meeting dates:
 - ◆ April 23, 2009 Long Beach, California (Ca State Lands Commission/Gary Gregory HQ)
 - ◆ July 21, 2009 Location TBD
 - ◆ October 20, 2009 Location TBD